

Jim Harris, Chairman  
Lucas Still, Vice-Chairman  
Mychal Gorden  
Doug Hardy  
John Kendig  
Dan McGowan  
Chad Nelson

Don Bergen, Alternate  
Leo Biasiucci, Alternate  
Christy Cunningham, Alternate



Lake Havasu City  
Police Facility  
2360 McCulloch Blvd North  
Lake Havasu City, Arizona  
86403  
www.lhcaz.gov

## **Planning and Zoning Commission Regular Meeting**

### **Minutes - Final**

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Wednesday, March 7, 2018

9:00 AM

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#### **1. CALL TO ORDER**

Chairman Harris called the meeting to order at 9:00 a.m.

#### **2. PLEDGE OF ALLEGIANCE**

Chairman Harris led the Pledge of Allegiance.

#### **3. ROLL CALL**

Mr. Biasiucci was seated.

**Present:** 9 - Jim Harris, Mychal Gorden, Doug Hardy, John Kendig, Dan McGowan, Chad Nelson, Donald Bergen, Leo Biasiucci and Christy Cunningham

**Absent:** 1 - Lucas Still

#### **4. MINUTES**

**Mr. Nelson made a motion to approve the minutes of the last two meetings, seconded by Mr. McGowan, and carried by the following vote:**

**Aye:** 7 - Harris, Gorden, Hardy, Kendig, McGowan, Nelson and Biasiucci

**Absent:** 3 - Still, Bergen and Cunningham

Approval of Regular Meeting Minutes from December 20, 2017 and January 3, 2018.

#### **5. CORRESPONDENCE AND ANNOUNCEMENTS**

None.

#### **6. PUBLIC HEARING**

[ID 18-1541](#) Request to Amend the Parking-In-Common Plan for Tract 2217, Block 19 by Allowing a 30-Foot by 30-Foot Area for a Covered Smoking Patio on Lot 22, 3279 Maricopa Avenue

Mr. Schmeling thanked the Chairman and presented a PowerPoint slideshow and narrative including some of the following key points:

- Property located along Maricopa Avenue between Lobo Drive and Oro Grande Blvd.
- The Moose Lodge building is located on Lot 22, adjacent to Bashas parking lot.
- A modification to the Parking-In-Common on Lot 22 is being requested.
- 30-foot by 30-foot area for smoking patio will impact no more than 3 parking spaces.
- Balance of parking area will be restriped to match Tract 2217, Block 19 Parking-In-Common Masterplan.
- Lot 21 parking area is asphalted and striped.
- City owned strip to the East of the Moose Lodge will be the only remaining portion of the Masterplan unpaved and unstriped.

Rick Travaglio, Administrator for Moose Lodge, stated they are willing to do improvements requested from Staff and stated their interest in purchasing the adjacent City property.

Chairman Harris opened the Public Hearing, hearing none, he closed the Public Hearing.

Mr. Schmeling stated that Staff finds the proposed amendment has minimal impact on the overall implementation of the adopted Parking-In-Common Plan for Block 19, Tract 2217; therefore, based on those findings, the Development Review Committee recommends that land use action ID #18-1541 be approved, amending the Parking-In-Common Masterplan for Block 19, Tract 2217 to allow a 30-foot by 30-foot area for a covered smoking patio, and to restripe Lots 21 and 22 to follow the adopted Parking-In-Common Master Plan.

Chairman Harris asked the applicant if he was on board with Staff's recommendation, to which Mr. Travaglio agreed.

Mr. Nelson asked what the process would be if the applicant wanted to purchase the land so that the City did not have to make the improvements. Mr. Schmeling briefed the Commission on the Sale of Public Property process.

Mr. Biasiucci asked if there was a financial agreement with the applicant for the restriping and paving. Mr. Schmeling stated that any improvements made on the Moose Lodge's property would be at their expense. If the adjacent City owned property is not sold to the applicant, Staff would like to see improvements done by the City close to the timeframe of requested project, so that the Parking-In-Common Master Plan can function appropriately.

**Mr. Gordon made a motion to approve an amendment to the Parking-in-Common Plan for Tract 2217, Block 19, to allow a 30-foot by 30-foot area to be designated for an outdoor covered smoking area, and restripe Lots 21 and 22 to match the master Parking-in-Common Plan, seconded by Mr. Biasiucci, and carried by the following vote:**

**Aye:** 7 - Harris, Gorden, Hardy, Kendig, McGowan, Nelson and Biasiucci

[ID 18-1539](#) A Request to Revise and Implement Phase I of the Mixed Use Project Known as The Havasu Riviera Specific Plan Adopted in 2008 and Rezone a 35 Acre Area from A-P (Agricultural - Preservation) to MU-G (Mixed Use General) (4 Acres) and MU-N (Mixed Use Neighborhood) (31 Acres) and Applying the Previously Approved Maximum Allowable Building Height of up to Sixty Feet; Southwest of 1000 Sweetwater Avenue

Mr. Gorden recused himself from this item due to a conflict of interest. Ms. Cunningham was seated.

Mr. Schmeling thanked the Chairman and presented a PowerPoint slideshow and narrative including some of the following key points:

- Entire 250-acre site, Havasu Riviera Specific Plan, located in South area of town.
- Request is to update the zoning for 35 acres from the Specific Plan to two current zoning development code designations.
- MU-G (Mixed Use General) District allows hotels/motels and many commercial uses and is appropriate for the two commercial parcels.
- MU-N (Mixed Use Neighborhood) allows single family residential uses and is appropriate for the remaining 78 lots.
- As a result of the original approval, any portion of the property zoned mixed use will be allowed a maximum building height of 60 feet.

Discussion was made between Commission and Staff regarding the allowable maximum height, proposed buildings, and view impact.

Ms. Gary clarified that the 60-foot limit has already been approved so the request today will not take the 60-foot allowable maximum height away. The maximum height language was just added in today's proposal so that everyone is aware that the 60-foot zoning entitlement has already been granted with the original request in 2008.

Mr. Mychal Gorden, applicant, address the Commission with the following key points:

- Height entitlement was granted with the original plan in 2008 when the property was analyzed in terms of development and build out.
- The area for today's rezone proposal will include a Hotel, Mixed Use Retail, and a dense single family home neighborhood.
- Single family home neighborhood will have narrow deep lots as in active resort style configuration.
- Community and Hotel very strategically planned and laid out, i.e. hotel may be to the West; however, lots are oriented to the South for a greater dynamic view.

- Overall impact of height in this neighborhood was all analyzed with original request.
- View shed study performed in 2008 showed a 100 to 150 or 200 feet of elevation change between hotel parcel and any other single family home within this property in town.
- City property is 55 to 60 feet higher than hotel pad elevation so if anything, the only thing visible from that property will be the hotel rooftop.
- Because of changes to City Code, this is the first parcel/neighborhood of eight within this community approved in 2008, to be presented to the commission as they develop.

Chairman Harris opened the Public Hearing.

Joann Cupford, questioned if there is a certain percentage of the development that can be 60' within a mixed use neighborhood.

Mr. Schmeling stated that when the land use plan was adopted in 2008, there was only one Mixed Use designation. Although the applicant had asked for 60 feet, at that time, the maximum allowable height was 30'. Any and all of the eight areas will have one of several mixed use districts under the current code. Mixed Use General has been designated because it allows a hotel. Mixed Use Neighborhood is a less dense, less impactful mixed use typically found adjacent to residential neighborhoods. Examples of commercial uses include: convenience stores, bed-n-breakfast, smaller service industries, barber shops, and smaller retail less impactful to adjacent residential neighborhoods.

Tom Gildea, homeowner on Regency Drive, expressed his is not concerned of any view blockage from the hotel height as the only visible area from his property is the wash he often travels through.

Dennis Sylvester, questioned the current zoning (Agricultural Preservation) and if it was ever designated for park or open space.

Mr. Schmeling stated that the AP designation is typical for many of the larger parcels in outskirts properties of town until which time they are zoned appropriately, based on current General Plan. The current General Plan calls for mixed use and residential in this area.

Deana Sylvester, summarized her understanding of the proposed site.

Dennis Sylvester, approached the podium again and questioned the sequence of the items being presented today.

Mr. Gorden returned to the podium to address concerns and reiterated that this is not something new, as back in 2008, a Specific Plan process was followed. A very detailed

document was put together that analyzed the entire 250 acres, outlining each of the eight different development parcels down to the type of development, open space, trailhead, landscaping, hotel, residential and commercial minimum and maximum densities allowed in each parcel, etc. The proposed project has not changed from the original approval. Property to East and South will remain open Space. The 280 acres above it with Golf Course and some of the park illustration is City controlled property for recreation and public purpose uses. The land to the West, Marina Project and above that is Arizona State Parks. South and East will be BLM land. Entire mixed use area does carry the 60 foot allowable height. Hotel and commercial pad will probably be the tallest structures. Exact height details are not available at this time. Most of the lots are terraced but tall structures to reach 60 feet are not anticipated. CCNR's will be in place to restrict architectural height, style, landscaping, colors, etc.

Mr. McGowan addressed his concern about the properties above the highway who will lose their view due to this development.

Chairman Harris stated the owner has every right to develop his property. He has gone through the proper procedure to get it approved and the zoning is compliant with his vision, and the community will benefit from this project.

Mr. Nelson commented that he has been to the site and disagrees with comments being made about view blockage. He stated he appreciates the CCNRs further restricting the MU-N area.

The Commission engaged in a lengthy clarification discussion as to the wording of the rezoning classification from AP to Mixed Use and the General Plan and current zoning classifications.

Chairman Harris closed the Public Hearing.

Mr. Schmeling stated that Staff finds the proposed rezoning meets all the requirements set forth in the Development Code under those code sections. Based on those findings, the Development Review Committee recommends that land use action ID #18-1539 be forwarded to the City Council with a recommendation of approval implementing Phase I of the Havasu Riviera Specific Plan by rezoning those 35-acres from A-P (Agricultural - Preservation) to a 4-acre parcel of MU-G (Mixed Use General) and a 31-acre parcel of MU-N (Mixed Use Neighborhood).

**Mr. Biasiucci made a motion to move to recommend approval of the request to revise and implement Phase I of the Havasu Riviera Specific Plan by rezoning a 35-acre area from A-P (Agricultural - Preservation) to MU-G (Mixed Use General) (4 Acres) and MU-N (Mixed Use Neighborhood) (31 Acres) applying the previously**

**approved maximum allowable building height of up to sixty feet, seconded by Mr. Hardy, and carried by the following vote:**

**Aye:** 5 - Harris, Hardy, McGowan, Nelson and Biasiucci

**Nay:** 1 - Cunningham

**Abstain:** 1 - Kendig

By City Code, abstention shall count as a “yes” vote unless excused by an announced conflict of interest.

Item 18-1539 passed 6 to 1.

[ID 18-1540](#) A Request for a Preliminary Subdivision Plat, Marina View Village, Tract 2399, Dividing 35 Acres to Include 2 Mixed Use Properties, 78 Single Family Lots, and Public and Private Streets

Mr. Schmeling thanked the Chairman and presented a PowerPoint slideshow and narrative including some of the following key points:

- Entire 250-acre site is designated as Mixed Use.
- Preliminary Subdivision Plat was presented which includes 80 parcels.
- MU-G (Mixed Use General), 4 Acres, 2 Parcels.
- MU-N (Mixed Use Neighborhood), 78 lots, allows single family residential dwellings with multiple access points to enhance development.

Mr. Gorden addressed the Commission and reiterated that the Mixed Use Neighborhood will be set up as a single family residential neighborhood with covenants and restrictions controlling their development.

Chairman Harris opened the Public Hearing, hearing none, he closed the Public Hearing.

Mr. Schmeling stated that Staff finds the proposed Subdivision Plat meets all the requirements set forth in Title 13. Based on the findings, the Development Review Committee recommends that land use action ID #18-1540 approving a Preliminary Plat for Marina View Village Tract 2399, to include 2 Mixed Use properties, 78 single family lots, and public and private streets, be approved with the following conditions:

1. Street names shall be added to the plat for staff review and approval.
2. Dead end streets must provide cul-de-sac bulbs.
3. Roadway C alignment shall be reviewed and relocated if necessary.
4. Preliminary calculations for stormwater retention and detention shall be provided and reviewed by staff.
5. Existing topography data shall be added to the plat.
6. Provide sewage disposal and water supply statements and deed restrictions for

the property.

**Mr. Nelson made a motion to approve ID 18-1540, a request for a Preliminary Plat Subdivision Plat, Marina View Village Tract 2399, dividing 35 acres into two Mixed Use properties and 78 single family lots, and public and private streets, with staff's recommendations:**

- 1. Street names shall be added to the plat for staff review and approval.**
- 2. Dead end streets must provide cul-de-sac bulbs.**
- 3. Roadway C alignment shall be reviewed and relocated if necessary.**
- 4. Preliminary calculations for stormwater retention and detention shall be provided and reviewed by staff.**
- 5. Existing topography data shall be added to the plat.**
- 6. Provide sewage disposal and water supply statements and deed restrictions for the property.**

**The vote was seconded by Mr. McGowen and carried by the following vote:**

**Aye:** 6 - Harris, Hardy, Kendig, McGowan, Nelson and Biasiucci

**Nay:** 1 - Cunningham

## **7. CALL TO PUBLIC**

Bruce Hubbard, approached the podium and stated he was here last year just prior to the City Council going into their budget session and he is here for a fight for the second bridge. The Commission last year was almost unanimous or thinks they were unanimous to get it in the agenda. He has spoken to the Mayor. Requested that Commission address City Council to get 2nd bridge on the budget.

## **8. FUTURE MEETING**

Regular meeting scheduled for March 21, 2018 has been cancelled due to no items being submitted. The next meeting is scheduled for April 4, 2018.

Prior to adjournment, Ms. Gary stated that one of the items today received a vote to abstain. By City Code, if you chose to abstain from a vote voluntarily, if you don't have a conflict of interest, than that vote is converted to a "yes" vote.

## **9. ADJOURNMENT**

Chairman Harris adjourned the meeting at 10:41 a.m.

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Jim Harris, Chairman

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Maria LaFrano, Recording Secretary

